

BOARD OF EQUALIZATION AND BOARD OF ADJUSTMENT
MAY 4, 2004

10:00 a.m. Jeffries made a motion and Eriksen seconded to open the public hearing. For for Hall County Street Improvement District #1. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

County Attorney Jerry Janulewicz was present and stated that documents regarding the assessment district were provided. The advisory committee for the district met and set the levies for the property involved. At this time the board can hear public comment regarding the assessments and then approve the resolution to set them.

Chairman Lancaster called for public participation.

John Melnick, 225 Buffalo Road stated that he purchased a lot to build a home and the road was already in. Then he receives a bill for \$1400.00 for the paving assessment and that is not right. It did not show up when he purchase the property if this was done in 2000 why did it take so long.

Jeffries stated that the assessment process took some time to finish. This assessment is against the property just like real estate taxes. Hartman questioned why it took so long and questioned if this would come back to the county.

County Attorney Jerry Janulewicz stated that there was a delay finishing the assessment process. He had contacted bond counsel and they did not complete the process and he set it aside, then finally decided to proceed with the paperwork and complete it himself. The assessment district was created as per the request of the people in the area. A petition was filed and the County Board created the district as per their request.

Chairman Lancaster called for public participation.

Gene Groff, 320 Campbell Avenue stated that he signed the original petition requesting that the district be created and he wanted to express his appreciation to the county board for the completion of the process. He appreciates the paved street.

David Loomis, 328 Campbell Avenue Mr. Loomis stated that he purchased the property June of 2003 and there was no record of the paving assessment on the title search. He was concerned that this was not filed and now he has to pay for the assessment.

Rich Bringleson 121 Campbell Avenue Mr. Bringleson recently purchased the property and the assessment was not filed but they were informed that the lien would be coming. He questioned why this could not be picked up by the seller.

Steve Melnick 214 Campbell Avenue He purchased the property in 2001 and it was not livable property. He questioned how the assessment on the lots was determined. He appreciates the road but he was not aware of the assessment and is concerned that he has to pay it.

An advisory committee was formed to make a recommendation on the assessment for each piece of property. To determine the amount, they used 75% of the total cost of the

paving and divided that by the number of lots and the additional cost was assed by the linear foot.

Jeffries stated that the advisory committee was formed and they came to the board requesting to have the street paved. They stated that they would pay for the paving. A public bid opening was held and the lowest bid was used. The County Board did not promote paving this road they were asked to do it. It was questioned if title insurance would cover a cost like this.

County Attorney Jerry Janulewicz stated that the resolution proposes a five-year repayment play with 6% interest, or the property owners could pay the entire cost upfront. He chose not to issue the bonds because this would have increased the total cost of the project. The Board can change this resolution and make the repayment longer if they want to, they can also address the interest rate that is charged.

Lancaster stated that there is additional value to the property because of the paved road.

Arnold stated that the seller knew that this improvement was made and the seller should have disclosed this information. The title company would not know that the paving assessment was there unless the lien was filed on the real estate. The assessments are from \$1,200.00 to \$1,500.00 and can be paid over a five-year period. If it would be more manageable the board can set a longer repayment time, but they cannot make an exception because the property has changed hands.

Hartman stated that if it was not on the title they should not have to pay. It should be charged back to the original owner

Sarah Melnick 225 Buffalo Road stated that they bought the property and the title was clear. They cannot build on this property because it has a pond on it. It is only adjacent to Campbell Road. They had a clear title and did not expect this paving assessment.

Jim Etherton 129 Campbell Avenue was living there when the petitions were signed. There were actually two petitions that were signed.

Arnold stated that the county financed the project and we are not a bond company. If necessary, maybe the county can look at this on an individual basis if there is a problem with the payment of the assessments. He questioned if this could go back to the original property owners. County Attorney Jerry Janulewicz stated that these are special assessments against the property like real estate taxes and do not go back to the property owner.

Discussion was held to delay the resolution and consider the special considerations on the repayment. If the resolution is approved the assessment will be filed against the property.

Arnold made a motion and Eriksen seconded to close the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Arnold made a motion and Hartman seconded to table the resolution and bring it back in two weeks. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Marla J. Conley Hall County Clerk

HALL COUNTY BOARD OF EQUALIZATION & ADJUSTMENT MAY 18, 2004

Rye made a motion and Jeffries seconded to go into a board of equalization and adjustment meeting. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and one voted no. Motion carried.

County Attorney Jerry Janulewicz stated that the public hearing was held May 4th concerning the Road Improvement District #1 and this last week he had look for court cases similar to this issue regarding the change of property owners and the assessment on a property. When a property is sold there is an agreement that sets out the sellers and the buyers responsibilities, including the disclosure of information so this is not under the county's control. There is no statutory time frame when the assessment has to be levied, that is up to the government entity to do that. It is the county's responsibility to apportion the assessment equally and if a property were to be excluded that would change the equalization of the assessment. He recommended approving the assessment for the rural road improvement district.

Lancaster stated that she did follow up on one of the assessments and arrangement had been made by the seller to pay it when is was completed.

Arnold stated that if one person was to be exempted everyone would have to be because if one party is exempted the equalization of the assessment would be affected.

Chairman Lancaster called for public participation.

David Loomis 318 Campbell Avenue stated that after the public hearing his realtor came to his house and pointed out that he had been told that there was an assessment. But Mr. Loomis has concerns that it took three years before this was completed.

The county board received two petitions requesting to create the district and there was a public hearing to do so. A public bid opening was held to accept bids for the work and an advisory committee was appointed to set the assessments. State statutes were followed to complete the process.

Steve Melnick, 214 Campbell Avenue requested to speak. Mr. Melinick stated that he did not know about the assessment. He addressed the growth factor in Amick Acres and the importance of this to Hall County.

Chairman Lancaster called for public participation and no one responded.

Arnold stated that the county accepted the blame that the process was not completed but the county board was petitioned to do this paving project. It is not the responsibility of the county to create paving districts it was created to improve the property at the owners request.

Arnold made a motion and Jeffries seconded to approve Resolution #04-0023 approving and confirming the assessment roll for Rural Road Improvement District #1.

Hartman stated that he was going to vote against this because it should have been completed quicker even though the county did the work.

Jeffries stated that the road has value and there was a majority of the people that wanted this project done. It was between the buyer and the seller to work this out.

Arnold stated that the sellers knew that the assessment was there The County was petitioned to create this district. The seller made the obligation.

The vote on the motion was taken. Arnold, Eriksen, Humiston, Jeffries Lancaster and Rye all voted yes and Hartman voted no. Motion carried.

Jeffries made a motion and Hartman seconded to go out of the board of equalization and adjustment meeting. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Returned to regular session.

Marla J. Conley Hall County Clerk